

REMARKS/ARGUMENTS

STATUS OF CLAIMS

In response to the Office Action dated April 6, 2007, claims 4-6, 8, 10-12, and 14-16 have been canceled. Claims 1 and 3 have been amended. Claims 1, 3, 7, 9, 13, 17, 18, 20-22 and 24-27 are now pending in this application. Claims 19 and 23 have been withdrawn from consideration as being directed to non-elected species. No new matter has been added.

The indication that claims 9, 12, 17, 18 and 20-27 are allowable, and that claims 2 and 3 are objected to, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated. All rejected claims have either been canceled or amended to incorporate allowable subject matter. Applicants believe that the application, as amended, is in condition for allowance.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claim 8 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner contends that “the removable cover serves a second function which is different from the first function while maintaining the first function” is indefinite. Specifically, the Examiner contends that it is unclear how the external cover can serve a second function, which is different from the first function, while still maintaining the first function.

The rejection is moot as claim 8 has been canceled.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1, 7, 8, 10, 11 and 14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Cavello et al. (USPN 5,769,646).

The rejection is moot as to canceled claims 8, 10, 11 and 14. The rejection of claims 1 and 7 is respectfully traversed. Claim 1 has been amended to include the allowable subject matter of claim 2, and is therefore believed to be in condition for allowance. Claim 7 depends on claim 1 and is believed to be in condition for allowance because it is dependent upon an allowable claim.

In light of the amendments to claim 1, applicants respectfully request that the rejection of claims 1 and 7 under 35 USC § 102 be reconsidered and withdrawn.

REJOINDER

MPEP § 821.04(a) sets forth the guidelines of rejoinder.

“A requirement for restriction should be withdrawn when a generic claim...is allowable and any previously withdrawn claim depends from or otherwise requires all the limitations thereof. Claims that require all the limitations of an allowable claim will be rejoined and fully examined for patentability...” (emphasis added)

A claim is considered generic when it requires “no material element additional to those required by the species claims, and each of the species claims must require all the limitations of the generic claim.” MPEP 806.04(d). Claims 17 and 20 are inherently generic because each is an independent claim. Both claims read on to all species presented in the application. Claim 19 inherently requires all the limitations of claim 17, and claim 23 inherently requires all the limitations of claim 20 because both claims 19 and 23 are dependent upon claims 17 and 20 respectively. Because claims 19 and 23 require all the limitations of the generic claims 17 and

20 respectively, rejoinder is proper. Consequently, rejoinder of claims 19 and 23 [non-elected species] and their allowance are respectfully solicited (see MPEP § 821.04 Rejoinder).

Applicants further point to the Examiner's allowance of claims 20-27. It is presumed from this instruction that the Examiner has rejoined claim 23, which was previously withdrawn from consideration as being directed to non-elected species.


CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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